Simon v. Adzilla, Inc [New Media] et al Doc. 439

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, and WAYNE CHANG,

Defendants.

CASE NO. 5:07-CV-01389-JW

CONNECTU'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONNECTU, INC.'S ADMINISTRATIVE REQUEST FOR LEAVE TO FILE A SUR-REPLY (INCLUDING ATTACHMENTS).

Dockets.Justia.com

Pursuant to Civil L.R. 7-11 and 79-5(d), ConnectU respectfully submits this administrative motion asking the Court to file under seal ConnectU, Inc.'s Administrative Request to File a Sur-reply.

The parties entered into, and the Superior Court of California, Superior County issued, a Stipulated Protective Order on January 23, 2006, prohibiting either party from filing in the public record any documents that have been designated as "Confidential" or "Highly Confidential" pursuant to the protective order.

ConnectU, Inc.'s Administrative Request to File a Sur-reply (including the Sur-reply in Opposition to Confidential Motion and Declarations of Cameron Winklevoss, Donna M. Hitscherich, and Scott R. Mosko attached thereto) contain information that Facebook has asserted is covered by the Protective Order and/or are alleged by Plaintiffs to implicate confidentiality provisions found in a purported agreement which is the subject of dispute between the parties.[1]

ConnectU requests that its Administrative Request to File a Sur-reply remain sealed. Moreover, if the Court grants leave for ConnectU to file the Sur-reply and Declarations of Cameron Winklevoss, Donna M. Hitscherich, and Scott R. Mosko (attached to this Administrative Request), those documents should also be filed and remain under seal.

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[1] By filing this request to seal, ConnectU does not waive any arguments or rights as to (i) the admissibility or inadmissibility of evidence surrounding the purported agreement, (ii) the confidentiality or non-confidentiality of information relating to the purported agreement, or (iii) the enforceability or unenforceability of the purported agreement.

Dated: June 19, 2008

/s/ *Steven C. Holtzman*
Steven C. Holtzman

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 19, 2008.

Dated: June 19, 2008

/s/ *Steven C. Holtzman*
Steven C. Holtzman